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Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2053 (2012). In paragraph 28 of that resolution, the Council requested that I should report, by 14 November 2012, on the progress on the ground in the Democratic Republic of the Congo, including towards the objectives outlined in paragraph 4 of the resolution, and on recommended benchmarks for measuring the progress and the impact of the disarmament, demobilization, repatriation, resettlement and reintegration process on the strength of foreign armed groups. The Council also requested that I should include herein two thematic annexes, one assessing the electoral process, as mentioned in paragraph 16 of the resolution, and the other on possible new approaches in security sector reform, as mentioned in paragraph 9 of the resolution. The present report covers developments that occurred between the issuance of my report of 23 May (S/2012/355) and 31 October 2012.

II. Major developments

2. The outcome of the presidential and legislative elections of 28 November 2011 continued to affect confidence in national institutions and hamper constructive dialogue among political parties. Divisions over how to take forward the electoral process, which includes the conduct of provincial and local elections, persisted between the political majority and the opposition. There were also divisions among national stakeholders concerning the situation in the eastern Democratic Republic of the Congo. The mutiny of former Congrès national pour la défense du peuple (CNDP) elements from the armed forces of the Democratic Republic of the Congo, known as the Mouvement du 23 mars (M23), led to violence and the de facto consolidation of control by M23 in parts of North Kivu. Congolese and foreign armed groups took advantage of the security voids caused by the mutiny to reinforce and broaden their control elsewhere in the Kivus. In this context, attacks against civilians intensified and the humanitarian situation deteriorated significantly. Tensions in both Kivus were fuelled by continuing reports that neighbouring countries were providing external support to M23. The crisis significantly reduced military pressure targeting the Forces démocratiques de libération du Rwanda (FDLR) and, therefore, progress in the disarmament and repatriation of that foreign

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armed group. Initiatives by the International Conference on the Great Lakes Region and other international and regional partners helped to sustain a continuing regional political dialogue, but confidence between the Democratic Republic of the Congo and Rwanda deteriorated.

National political developments

3. The first ordinary session of the newly elected National Assembly ended on 15 June with the establishment of its internal structures, including seven standing committees. The 35 members of the executive offices of the standing committees include 10 members from the opposition and 1 independent member.

4. On 16 and 18 June, respectively, the Senate and the National Assembly opened a 30-day extraordinary parliamentary session. The 2012 Finance Act was adopted by the parliament within two weeks of the opening of the extraordinary session and was promulgated by the President of the Democratic Republic of the Congo, Joseph Kabila, on 20 July.

5. Several parliamentary initiatives were launched in relation to the deterioration of the security situation in the eastern Democratic Republic of the Congo, including a request by the National Assembly on 30 May to the Vice-Prime Minister/Minister of Defence and the Minister of the Interior to respond to oral questions in relation to developments there.

6. On 21 May, the President chaired the first extraordinary meeting of the Council of Ministers to discuss the security situation in the eastern Democratic Republic of the Congo. The Government called for national unity and for any provision of support to armed groups to cease. On 6 July, the President called a meeting of the High Council of Defence to discuss the alleged provision of external support to M23, at which it was decided to remove 14 officers from the Congolese armed forces who had defected to join M23, including former General Bosco Ntaganda and former Colonel Ruzandiza, alias "Makenga Sultani". General Ntaganda is subject to an arrest warrant by the International Criminal Court for, among others, alleged crimes committed in 2002 and 2003 in Ituri.

7. On 1 September, the Rwandan Defence Forces, deployed as part of previous bilateral agreements between the Democratic Republic of the Congo and Rwanda, withdrew from Rutshuru territory, North Kivu. In reaction, 30 opposition political parties, including the Union pour la démocratie et le progrès social (UDPS), issued a statement on 3 September in which they alleged complicity between the Governments of the Democratic Republic of the Congo and Rwanda with regard to the mutiny by M23 in North Kivu. They requested the parliament to indict the President on charges of high treason and rejected the deployment of a neutral international force as proposed by the Heads of State and Government of the International Conference on the Great Lakes Region at an extraordinary summit meeting held on 15 July in Addis Ababa.

8. On 15 September, the National Assembly and the Senate opened an ordinary session of the parliament. The speakers of both chambers called upon the Government to submit the draft 2013 budget act in a timely manner. The Speaker of the National Assembly announced that two pieces of legislation would be considered as a matter of priority: a bill to amend the Organic Law on the Organization and Functioning of the Independent National Electoral Commission

and a bill to establish the National Commission on Human Rights. The latter was adopted on 10 October. On the same day, the Council of Ministers adopted the draft 2013 budget act, which was transmitted to the National Assembly on 18 October for adoption. Developments relating to the electoral process are described in annex I to the present report.

9. The fourteenth Summit of la Francophonie was held from 12 to 14 October in Kinshasa. I was represented by the Director General of the United Nations Educational, Scientific and Cultural Organization, Irina Bokova. On the margins of the Summit, the President of France, François Hollande, held separate meetings with his Congolese counterpart and with various opposition leaders, including Etienne Tshisekedi, the leader of UDPS.

10. In addition to the declaration issued at the conclusion of the Summit on 14 October, a resolution was adopted on the situation in the Democratic Republic of the Congo, in which the assembled Heads of State and Government condemned the violence and human rights violations by armed groups in the eastern part of the country, called for the Security Council to adopt targeted sanctions against those responsible and expressed support for the initiatives of the African Union, the International Conference on the Great Lakes Region, the Southern African Development Community and the United Nations to resolve the crisis peacefully.

North Kivu, South Kivu, Maniema and Katanga Provinces

11. In North Kivu, the mutiny by former CNDP elements, which began in April, expanded. On 6 May, a communiqué was published announcing the creation of M23 by a decision of the military wing of CNDP as a result of what it claimed was the Government's failure to implement the peace agreements of 23 March 2009. In the communiqué, former Colonel Makenga was named commander of M23. Clashes between the mutineers and the Congolese armed forces intensified during May. The mutineers concentrated in Runyoni, in Rutshuru territory, near the borders with Rwanda and Uganda. Further desertions from the Congolese armed forces in the Kivus and in Ituri continued up to and including October, including from the ranks of the Congolese national police.

12. Throughout May, the Congolese armed forces launched attacks to dislodge M23 from its positions in Runyoni, while fighting to retake positions from armed groups in Masisi, Walikale and Lubero territories. An increase was recorded in reports of human rights violations and crimes committed by M23, other armed groups and, to a lesser extent, the Congolese armed forces, along with widespread population displacements and an influx of refugees into Rwanda and Uganda.

13. In addition, a number of Mayi-Mayi armed groups, some of which were also signatories to the peace agreements of 23 March 2009, stepped up their attacks on the Congolese armed forces. They included Mayi-Mayi Cheka in Walikale and a new Mayi-Mayi coalition based in Lubero territory, which reportedly has links with elements under the command of Kakule Lafontaine and a Congolese armed forces deserter, former Colonel Kahasha, in addition to other militias in North Kivu and Ituri. FDLR and Congolese armed groups, such as the Alliance des patriotes pour un Congo libre et souverain, began reoccupying positions vacated by the Congolese armed forces as units were redeployed to combat M23. There were reports that new armed groups had been mobilized in Masisi and Beni territories. Some FDLR

combatants moved from South Kivu to North Kivu, concentrating in Masisi and Walikale territories.

14. Attacks by armed groups intensified, increasingly targeting particular ethnic groups. Armed clashes and retaliatory attacks involving two coalitions of armed groups — Mayi-Mayi Raïa Mutomboki, Mayi-Mayi Kifuafua and the Forces de défense congolaise, on the one hand, and FDLR and Mayi-Mayi Nyatura, on the other — increased in Walikale and Masisi territories. Investigations by the United Nations Joint Human Rights Office confirmed that at least 112 civilians were killed by Mayi-Mayi Raïa Mutomboki in Katoyi between mid-August and early September.

15. On 7 June, the Prime Minister, Matata Ponyo, led a ministerial delegation, including the Vice-Prime Minister/Minister of Defence, on a four-day visit to North and South Kivu. On 9 June, in a press communiqué issued from Goma, the Government denounced the support provided by Rwanda to M23 and stated that it had corroborating information to support its claim. On 26 June, the addendum to the interim report of the Group of Experts on the Democratic Republic of the Congo, submitted to the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, was published (S/2012/348/Add.1). In that report, the Group documented the support provided by officials of the Government of Rwanda and the Rwandan armed forces to M23 in violation of the arms embargo and sanctions regime. On 27 July, the Government of Rwanda submitted a rebuttal report to the Committee, in which it refuted the findings of the Group concerning the provision of external support to M23. The final report of the Group of Experts is scheduled to be issued in November.

16. On 5 July, the Congolese armed forces launched a new military offensive against M23 in Rutshuru territory. M23 launched a counter-offensive and expanded its de facto control in most of the territory, including Bunagana town on the border with Uganda. On 5 July, a United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) peacekeeper died from wounds sustained in crossfire in Bunagana. More than 600 Congolese soldiers and their families, along with a number of Congolese police officers, fled across the border into Uganda. They were repatriated by the Ugandan People's Defence Forces on 12 July. On 11 and 12 July, in response to reports of serious human rights violations and advances by M23 towards Goma, MONUSCO attack helicopters fired on M23 positions.

17. On 11 July, M23 named Jean-Marie Runiga Lugerero, a bishop and former CNDP member, as the movement's political coordinator. Subsequently, M23 began installing a parallel administration in Rutshuru territory. It appointed its own territorial administrator and police chief, imposed changes in the administrative status of some localities such as Rubare and appointed new local chiefs and administrators. It also established its own revenue collection system. On 17 August, it announced the creation of a political cabinet, with Runiga as its president, and the appointment of a "government" to administer Rutshuru territory.

18. On 24 July, M23 launched an assault on Congolese armed forces positions near Rugari in Rutshuru territory. Clashes intensified in the following days, during which a MONUSCO peacekeeper was wounded in crossfire. M23 forces seized control of Rutshuru town and Kiwanja. Since August, the Congolese armed forces have established loose operational alliances with the Alliance des patriotes pour un Congo libre et souverain and Nyatura armed groups and held informal talks with

their commanders regarding the possible integration of some combatants into the Congolese army. By October, the integration of Nyatura combatants had been completed. Between late September and mid-October, shootings and grenade attacks by unknown elements resulted in the deaths of at least five people in Goma. In response, the provincial authorities implemented a plan to reinforce security throughout the town, including joint patrols with the Congolese armed forces, the national police and MONUSCO.

19. On 2 October, M23 elements advanced north-east towards Nyamilima and the border town of Ishasha, but were pushed back on 10 October towards Kisheguru during clashes with Mayi-Mayi groups. On 16 October, six MONUSCO peacekeepers and an interpreter sustained gunshot wounds after an exchange of fire with unknown armed elements near the town of Buganza in northern North Kivu, while conducting a patrol on the Nyamilima-Ishasha axis. On 20 October, Bishop Runiga announced that the M23 armed wing would thenceforth be called the Armée révolutionnaire du Congo. M23 also threatened to resume fighting if the Government did not initiate direct negotiations with it.

20. In South Kivu, the situation remained volatile, with persistent rumours of an expansion of the mutiny by M23 into the province and reports of cross-border infiltrations. The activities of armed groups, including Mayi-Mayi Raïa Mutomboki, Mayi-Mayi Yakutumba, Mayi-Mayi Bede and Mayi-Mayi Nyatura, increased with the redeployment of the Congolese armed forces to North Kivu.

21. In July and August, there was a surge in activities by Mayi-Mayi Raïa Mutomboki, which stretched from Mwenga north to Shabunda and Kalehe territories and into Walikale territory in North Kivu. Clashes continued throughout August between Mayi-Mayi Raïa Mutomboki factions and either Mayi-Mayi Nyatura or the Congolese armed forces. These clashes deepened inter-ethnic tensions around issues of land and collaboration with FDLR. The recruitment of young people by these armed groups continued in the area. Infighting between the various factions of Mayi-Mayi Raïa Mutomboki in Shabunda territory generated further violence.

22. Mayi-Mayi Yakutumba remained active around the Ubwari peninsula and in the Ngandja forest in Fizi territory. A coalition of Mayi-Mayi Yakutumba and the Burundian rebel group Forces nationales de libération continued to operate in the Rukoko forest border area in Uvira territory. On 17 September, the Congolese armed forces launched operations against this coalition, coordinated with operations on the other side of the border by the Burundian armed forces.

23. Tensions escalated between the Bafuliro and Barundi communities in the Ruzizi plain of Uvira territory. On 28 and 29 September, a delegation led by the Minister of the Interior held meetings with traditional leaders of both communities, culminating in the signing of an agreement to promote peaceful coexistence.

24. In Maniema Province, rumours persisted about possible infiltrations of M23 combatants or related attempts to destabilize the province. Elements of Mayi-Mayi Simba remained active in the Maiko National Park in Lubutu territory. Clashes were reported between the Congolese armed forces and elements of Mayi-Mayi Raïa Mutomboki along the borders with North and South Kivu.

25. The security situation continued to deteriorate in the Manono-Moba-Pweto triangle in northern Katanga owing to increased activities by Mayi-Mayi Gédéon and other smaller Mayi-Mayi groups. MONUSCO received reports that 400 young

people joined the Jeunes katangais Mayi-Mayi group in June. Between June and July, Mayi-Mayi Gédéon allegedly recruited new combatants and progressively expanded its presence in Manono territory. Between July and late September, the militia attacked Congolese armed forces positions in Manono and Pweto territories. The continuing fighting and harassment of local populations by both the Congolese armed forces and Mayi-Mayi militias led to an increase in the number of displaced persons in northern and central Katanga Province.

Orientale Province

26. Desertions from the Congolese armed forces increased in Ituri district. Moving into areas formerly held by the Congolese armed forces, the Forces de résistance patriotiques en Ituri (FRPI) militia expanded its presence in southern Irumu territory. At the beginning of July, its leader, Cobra Matata, claimed to be willing to accept integration into the Congolese armed forces, provided that he was granted an amnesty. Subsequently, FRPI has regrouped at three main sites, Aveba, Bukiringi and Gety, for identification. As at the end of October, however, it appeared that no agreement had been reached on integration into the Congolese armed forces. In Djugu territory, there were reports that a former element of the Union des patriots congolais known as Colonel Hitler was recruiting for a new armed group, Mouvement de résistance populaire du Congo, which comprised former combatants from the Rassemblement congolais pour la démocratie-Goma.

27. The Mayi-Mayi Simba militia, reportedly led by a former poacher known as "Captain Morgan", moved from Bafwasende into Mambasa territory. On 24 and 25 June, Mayi-Mayi Simba elements attacked the Okapi wildlife reserve with a view to taking control of illegal artisanal mining sites and poaching activities.

28. Continuing pressure from MONUSCO and the Congolese armed forces, in addition to the capture of a Lord's Resistance Army (LRA) commander, Caesar Achellam, on 12 May by the Ugandan armed forces in Haut-Uélé, contributed to a reduction in the armed group's activities. The number of LRA-related incidents reported decreased from an average of 38 per month between January and May to 20 between June and September. Consequently, LRA was assessed as operating mainly in survival mode, but remained active in the Garamba National Park and the Bangadi-Ngilima-Niangara triangle. LRA was also present in Bas-Uélé, possibly as a rear base for elements operating in the Central African Republic.

Humanitarian situation

29. According to the Office for the Coordination of Humanitarian Affairs, humanitarian needs increased during the reporting period, in particular as displacements grew because of renewed fighting and insecurity in the eastern Democratic Republic of the Congo. The number of internally displaced persons rose to 2.24 million from 1.7 million at the beginning of 2012. The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator visited the Democratic Republic of the Congo from 5 to 9 August.

30. In North Kivu, more than 260,000 people were displaced as a result of the mutiny by M23. In addition, more than 70,000 people fled into Rwanda and Uganda. Some 60,000 children could not return to school in September in North Kivu because 258 schools had been burned, pillaged, used as shelter by internally displaced persons or occupied by armed men. South Kivu recorded a total of

845,000 internally displaced persons as at 30 September, with more than 198,000 new displacements from April to August. Most displacements occurred in Kalehe territory, which borders North Kivu. Some 166,000 internally displaced persons returned to their homes, mainly in Shabunda territory.

31. In Katanga Province, the humanitarian situation has deteriorated since the beginning of 2012 owing to the activities of armed groups, causing a sharp increase in displacement. The province recorded more than 224,000 internally displaced persons at the time of reporting, up from some 55,000 in December 2011.

32. Orientale Province faced a new outbreak of Ebola haemorrhagic fever in the area of Isiro town in Haut-Uélé. Of the 81 people infected as at mid-October, 36 had died. The Ministry of Health officially declared an epidemic on 17 August and set up committees to coordinate emergency response, prevention and containment.

33. On 30 June, a cessation clause for the return of Angolan refugees took effect. Some 17,000 Angolan refugees have been voluntarily repatriated from the Democratic Republic of the Congo. As at 30 September, 6,633 Rwandan refugees had been repatriated from North Kivu and 2,425 from South Kivu. As at 17 October, 29,771 Congolese refugees had been repatriated from the Congo to Equateur Province, with assistance from the Office of the United Nations High Commissioner for Refugees. In parallel, since May, more than 3,000 refugees from the Central African Republic have fled insecurity in their country to seek refuge in northern Equateur Province.

34. Expulsions by the Angolan authorities of Congolese nationals continued. According to the provincial authorities, more than 3,500 Congolese were expelled from Cabinda into Bas-Congo Province between May and 7 August. Some 53,000 Congolese nationals were expelled between January and August through border points from Angola into Bandundu, Bas-Congo and Kasai Occidental Provinces.

35. Humanitarian access remained difficult in the eastern Democratic Republic of the Congo. The Office for the Coordination of Humanitarian Affairs has reported at least 170 security incidents against humanitarian actors since the beginning of 2012. Urgent funding from the Central Emergency Response Fund, with $32 million allocated for the Kivus, Orientale and Katanga, nevertheless allowed humanitarian agencies to deliver food, water and other essential items. The 2012 Humanitarian Action Plan was funded at only 52 per cent as at mid-October.

Regional developments

36. At the request of the Government of the Democratic Republic of the Congo, the Chair of the International Conference on the Great Lakes Region and President of Uganda, Yoweri Museveni, convened an extraordinary summit of the Heads of State and Government of the International Conference on the Great Lakes Region on the security situation in the eastern Democratic Republic of the Congo on 15 July in Addis Ababa. In a statement issued following the summit, the Heads of State and Government condemned the actions of M23, qualified it as a negative force and demanded that no support should be provided to any armed group to destabilize the region and the eastern Democratic Republic of the Congo in particular. They outlined a multi-pronged approach to resolving the crisis, including the enlargement of the Joint Verification Mechanism to all Conference members and its operationalization; the deployment, with United Nations and African Union support,

of a neutral international force to eradicate M23, FDLR and other armed groups and to secure border areas; and the reappointment of the United Nations and African Union special envoys on the Great Lakes region, former presidents Olusegun Obasanjo and Benjamin Mkapa, respectively. Three additional extraordinary summits of the Conference concerning the situation in the eastern Democratic Republic of the Congo were held during the reporting period.

37. In follow-up to the second extraordinary summit of the Heads of State and Government of the International Conference on the Great Lakes Region, convened in Kampala on 7 and 8 August, a subcommittee of defence ministers, chaired by Uganda, was established and tasked with proposing urgent steps to halt the fighting in the eastern Democratic Republic of the Congo and developing modalities to make the neutral international force operational. Following its meeting in Goma on 15 and 16 August, the subcommittee presented a report in which it called for M23 to cease all hostilities, end all anti-constitutional activities, including the installation of a parallel administration, and return to its earlier military positions. It proposed the establishment of a military assessment team to conduct field assessments and make proposals for the deployment of the neutral international force. It also proposed a re-evaluation of the peace agreements of 23 March 2009.

38. In a statement issued following the thirty-second session of the Summit of Heads of State and Government of the Southern African Development Community, held in Maputo on 17 and 18 August, the Heads of State and Government condemned the Government of Rwanda for allegedly supporting M23 and mandated the Chair of the Community and President of Mozambique, Armando Guebuza, to visit Kigali with the aim of engaging the Government of Rwanda on the matter.

39. During the third extraordinary summit of the Heads of State and Government of the International Conference on the Great Lakes Region, held in Kampala on 8 September, the Chair of the Conference was requested to continue his diplomatic engagement with the parties to the conflict, including M23. Echoing this, at its 335th meeting, on 19 September, the Peace and Security Council of the African Union called for the effective implementation of the peace agreements of 23 March 2009.

40. In the meantime, the expanded Joint Verification Mechanism was launched in Goma on 14 September with MONUSCO support. In addition, with the support of the United Nations, the Military Assessment Team began work in Goma on 23 September on a concept of operations for the neutral international force.

41. On 27 September, I chaired a high-level meeting on the eastern Democratic Republic of the Congo that was attended by 26 delegations, including representatives of the members of the International Conference on the Great Lakes Region, several MONUSCO troop-contributing countries in the Kivus, members of the International Contact Group on the Great Lakes Region and the permanent members of the Security Council. Many participants condemned M23 and any provision of external support to M23 and other armed groups. They also stressed that there was a need for continued dialogue and confidence-building between the Democratic Republic of the Congo and Rwanda. While some participants, including the Democratic Republic of the Congo and most members of the International Conference on the Great Lakes Region, supported the early establishment of the Conference-proposed neutral international force, others were more cautious about the practical modalities for making such a force operational.

42. On 8 October, a fourth extraordinary summit of the Heads of State and Government of the International Conference on the Great Lakes Region was held in Kampala. The Military Assessment Team was given two additional weeks to produce a concept of operations for the neutral international force. The Chair of the Conference was requested to approach the Conference, the Southern African Development Community and other African partners to secure troop contributions to the force and to further mobilize African Union and United Nations support. He was also requested to continue his diplomatic efforts with all concerned parties in order to peacefully end the conflict. The participants encouraged the expanded Joint Verification Mechanism to begin work immediately.

III. Implementation of the mandate of the Mission

Protection of civilians

43. The scale and magnitude of the crisis in North Kivu and the multiplication of threats in other parts of the eastern Democratic Republic of the Congo led MONUSCO to rapidly increase and robustly adapt activities and operations aimed at protecting civilians under imminent threat. MONUSCO continued to deploy 93 company operating bases and temporary operating bases and 48 team sites to provide a protective presence in the eastern Democratic Republic of the Congo. Formed police units also provided additional protection measures for United Nations assets and personnel and public order management, where necessary. In addition, the Mission employed flexible short-term deployments, including mobile operating bases and static combat deployments, focusing mostly on protection hotspots. The number of these deployments has stretched the Mission's resources and operational capacities to the maximum.

44. The continued extension of the community alert networks project was accomplished through the installation of 16 additional units in the Kivus and Orientale Province, bringing the total number to 36. High-frequency radio systems were set up in 12 MONUSCO military bases not covered by telephone networks to communicate with communities equipped with radio systems. Since July, a total of 147 additional community liaison assistants have been recruited to strengthen the MONUSCO civilian presence in the Kivus and Orientale, Katanga and Equateur Provinces. A total of 27 joint protection teams were deployed in the Kivus and Orientale Province in areas most affected by conflict and violations of international humanitarian law and human rights. Community protection plans were developed on the basis of the outcomes of those missions. In coordination with key United Nations agencies and partners, MONUSCO conducted a protection contingency planning exercise in relation to the M23 threat in North Kivu.

Electoral developments

45. During the reporting period, modest progress was made in taking forward the next phase of the electoral cycle. Details in this regard are provided in annex I to the present report.

Stabilization and peace consolidation

46. Limited progress was made in implementing stabilization projects planned within the framework of the International Security and Stabilization Support

Strategy in support of the Government's stabilization and reconstruction plan for areas emerging from armed conflict. Owing to the prevailing insecurity, projects were suspended in Rutshuru territory, North Kivu, and implementation was delayed in other areas such as the Miti-Hombo axis in South Kivu.

47. The Peace Consolidation Programme was formally presented to the Government on 30 July. On 18 September in Mbuji-Mayi, Kasai Oriental Province, the area coordinator mechanism was launched in the presence of senior Government officials, donors and United Nations representatives. Three joint offices have been established in Bas-Congo, Kasai Oriental and Kasai Occidental Provinces under the authority of the United Nations area coordinators, who will aim to help increase efficiency in coordination between MONUSCO and the United Nations country team and support a gradual transition from peacekeeping to peacebuilding and economic recovery.

Progress in achieving a coordinated United Nations approach and critical peacebuilding gaps

48. A donor coordination group was officially established on 6 June as a forum for high-level dialogue and consensus-building among bilateral and multilateral development partners and the Government. A seminar marking the launch of the New Deal for Engagement in Fragile States process and the involvement of the Democratic Republic of the Congo as a pilot country was held in Kinshasa on 16 August. It was followed by a Government-led workshop from 5 to 7 September to prepare the Democratic Republic of the Congo fragility assessment, the technical foundation necessary to implement the New Deal.

Human rights

49. Armed activities in the eastern Democratic Republic of the Congo continued to have a negative impact on the human rights situation, in particular in North Kivu and Orientale Province. While FDLR, LRA and various Mayi-Mayi groups continued to commit serious human rights abuses, new developments included the mutiny by M23 in North Kivu, the escalation of violence by factions of Mayi-Mayi Raïa Mutomboki in both Kivus and the particularly violent attacks by Mayi-Mayi Simba in Orientale Province.

50. As M23 gained control over large parts of Rutshuru territory, many cases of human rights violations perpetrated by its elements, including summary executions, rapes, ill-treatment, forced labour and forced recruitment, were documented. Those who showed resistance to M23, in particular local community leaders and members of civil society, were often subjected to threats, assaults and, at times, summary executions. On 30 May, the South Kivu military convicted 13 former CNDP officers who had deserted from the Congolese armed forces in April. Two were tried in absentia and sentenced to death, eight sentenced to life imprisonment and three to prison terms ranging from 2 to 20 years. All bar one were discharged from the Congolese armed forces.

51. In Masisi territory, North Kivu, armed groups, in particular Mayi-Mayi Raïa Mutomboki and, to a lesser extent, FDLR and Mayi-Mayi Nyatura, launched violent attacks and reprisals, targeting civilians perceived as supporting their opponents, on the basis of their supposed ethnic identity. The killing of hundreds of civilians and

the burning and looting of dozens of villages in more than 75 attacks were documented between May and September.

52. In July, investigations were conducted into attacks committed on 24 and 25 June by Mayi-Mayi Simba in the Okapi wildlife reserve in Epulu, Orientale Province, which resulted in the killing of six civilians, the rape of more than 50 women, some of whom were used as sex slaves, and the abduction of more than 100 civilians who were used as porters of looted goods. The Military Prosecutor opened an investigation and issued an arrest warrant against Captain Morgan, the leader of Mayi-Mayi Simba.

53. In parallel, the number of violations attributed to Congolese soldiers increased during the period under review. Most of the violations occurred during military operations against armed groups. Individuals perceived as having links with M23 were ill-treated while under arrest or detained in Congolese armed forces and National Intelligence Agency facilities in North Kivu. At least one, a boy alleged to be from Rwanda, succumbed to injuries sustained while in detention in Goma in July.

54. Between July and October, MONUSCO supported missions conducted by the Vice-Minister for Justice and Human Rights to Equateur, Kasai Occidental, Kasai Oriental, Orientale and South Kivu Provinces to launch provincial liaison offices on human rights, monitor the situation of prisons and raise the awareness of national security forces, judicial authorities and civil society about legislation criminalizing torture.

55. From 24 to 26 August, during a joint mission to Ango territory, Orientale Province, the Minister of the Interior ordered the suspension of expulsion and restriction of movement measures against members of the Mbororo pastoral community. In September, military judicial authorities opened an investigation into several Congolese soldiers allegedly involved in serious violations against the community.

56. The situation of human rights defenders and journalists in the Democratic Republic of the Congo remained precarious. On 17 July, in Kinshasa, the Military High Court began to hear an appeal in the case of the murder of Congolese human rights defender Floribert Chebeya and the disappearance of his driver Fidèle Bazana, although serious concerns regarding interference in the judicial process continued. On 23 October, the Court rendered preliminary rulings, deciding to reject the civilian plaintiffs' request to establish the involvement in the case of the former Inspector General of the Congolese national police, General John Numbi, who had been suspended from his duties in 2010.

Sexual violence

57. Nationwide, MONUSCO documented cases of sexual violence involving at least 398 victims, including 182 children, which were allegedly committed by armed groups or national security forces between mid-May and September. At least 31 alleged perpetrators involved in 28 documented cases were arrested, 26 during the reporting period. Owing to the security situation in the eastern Democratic Republic of the Congo, it was not possible to conduct missions to investigate all allegations of sexual violence.

58. The provision of multi-sectoral assistance to survivors of sexual violence and training of specialized personnel on national protocols on minimum standards for medical and psychosocial assistance continued in Kinshasa and South Kivu. The improvements notwithstanding, victims continued to experience difficulties in gaining access to health structures or obtaining free or low-cost treatment. In North Kivu, security conditions seriously limited victims' access to medical and other assistance.

59. During the reporting period, MONUSCO organized a series of training sessions for a total of 530 Congolese soldiers, 400 magistrates and 785 police officers on prevention of and responses to sexual and gender-based violence.

Children and armed conflict

60. The reporting period was marked by an increase in child rights violations, including the killing and maiming of children and forced recruitment by armed groups. A total of 538 children (491 boys and 47 girls) were separated or escaped from armed forces and groups during the reporting period, representing a significant increase compared to the previous reporting period. The main recruiters were FDLR, LRA, Mayi-Mayi groups and M23. A total of 61 children were released from the Congolese armed forces as a result of screening exercises conducted in training centres in Kananga and Kamina. Interviews with 44 children and adults formerly associated with M23 indicated systematic recruitment of underage children, including girls, in addition to incidents of killing and maiming of children, in particular in Rutshuru territory, North Kivu.

61. During the reporting period, attacks by armed groups in the Kivus resulted in the killing of 37 children and the maiming of 35 others. MONUSCO also documented cases of rape and sexual violence against 157 children in the context of the conflict in the eastern Democratic Republic of the Congo. The main alleged perpetrators were the Congolese armed forces (49 cases) and Mayi-Mayi Simba (43 cases). As at 27 October, the screening by MONUSCO of candidates for recruitment by the Congolese armed forces had led to the separation of 116 individuals, including 2 girls, who were under 18 years of age.

62. On 4 October, an action plan to halt the recruitment and use of children by the national security forces was signed in Kinshasa by the Government, MONUSCO and the United Nations Children's Fund.

Disarmament, demobilization and reintegration/disarmament, demobilization, repatriation, resettlement and reintegration

63. Voluntary participation in the disarmament, demobilization, repatriation, resettlement and reintegration process decreased owing to the mutiny by M23 and the resulting reduction in military pressure on FDLR and other armed groups. Disarmament, demobilization, repatriation, resettlement and reintegration awareness-raising campaigns were also curtailed in M23-controlled areas owing to the security situation. From May to October, 494 FDLR combatants and 755 dependants were repatriated.

64. Since 23 May, MONUSCO has received 59 deserters from M23, including 18 children, in the Goma transit camp. Of those, 56 claimed to be Rwandan citizens, with most stating that their recruitment occurred in Rwanda and the remainder in the

eastern Democratic Republic of the Congo. Several attempts to repatriate Rwandan M23 combatants were made in June and July without success. In September, most of those combatants left the transit camp of their own volition.

65. Formal disarmament, demobilization and reintegration activities remain suspended following the decision of the Government of the Democratic Republic of the Congo to halt the national programme. Nonetheless, between May and October, MONUSCO received and disarmed 760 Congolese combatants and dependants, of whom 209 were Congolese members of FDLR seeking to voluntarily demobilize and 240 were children associated with armed groups.

66. As requested in paragraph 28 of resolution 2053 (2012), MONUSCO is developing benchmarks for measuring the progress and impact of disarmament, demobilization, repatriation, resettlement and reintegration on the strength of foreign armed groups. With sustained awareness-raising activities and increased coordination between disarmament, demobilization, repatriation, resettlement and reintegration activities and military operations, in addition to those of other partners, MONUSCO expects to repatriate on average some 100 foreign combatants and dependants each month.

Provision of support to operations by the Congolese armed forces against armed groups

67. MONUSCO continued to provide a wide range of support, including advice, to the Congolese armed forces at both the command and tactical levels. Its support was focused on efforts by the armed forces to combat and contain the mutiny by M23 in North Kivu and was provided in accordance with the provisions of the United Nations human rights due diligence policy. In response to the mutiny by M23, the Congolese armed forces redeployed assets, including troops, to North Kivu, assisted in some cases by MONUSCO. The Mission assisted the armed forces with operational planning support and casualty evacuation and, later, by supplying fuel and rations. In southern Irumu, MONUSCO provided logistical support to two Congolese armed forces regiments as they prepared to dislodge FRPI from the area early in May. On Lakes Tanganyika and Kivu, the Mission's riverine assets conducted joint operations with Congolese naval forces, deterring armed group activity along the border between the Democratic Republic of the Congo and Burundi, Rwanda and the United Republic of Tanzania.

Mine action

68. As a result of the crisis in North Kivu, unexploded ordnance contamination in Masisi, Walikale and Rutshuru territories increased. Between August and October, MONUSCO destroyed 284 items of unexploded ordnance in those areas. Furthermore, between May and September, MONUSCO destroyed 31 mines and 11,029 items of unexploded ordnance and delivered risk education to 26,078 people.

Provision of support to security sector reform

69. While MONUSCO continued its collaboration with the Congolese national police and explored new initiatives with the Minister for Justice and Human Rights, opportunities to support security sector reform efforts were limited by the focus on efforts to tackle the mutiny by M23. Progress on the reform and reinforcement of the security and justice sectors is further elaborated in annex II to the present report.

Police

70. The United Nations police reconfigured its deployment to enhance its participation in various mechanisms for the protection of civilians. The Bandundu sector in the western part of the country was closed, while new subsectors in Dungu, Orientale Province, and Kamina, Katanga Province, were opened in the east, where protection challenges are on the rise.

71. At the request of the Congolese national police, the United Nations police conducted refresher training from 10 to 28 September for 1,685 National Intervention Legion personnel on crowd control and intervention techniques, in addition to protection techniques for very important persons, as part of security preparations for the fourteenth Summit of la Francophonie. In September, the United Nations police, with the support of the United Nations Development Programme (UNDP) and funding from the Japan International Cooperation Agency, launched basic training programmes for some 1,000 national police officers. On 2 October, the United Nations police, in partnership with the national police and the United Nations Office for Project Services, completed the training of 291 officers, including 24 women, who were integrated from various armed groups within the framework of the peace agreements of 23 March 2009.

Justice and correction institutions

72. MONUSCO continued to support the Congolese judicial authorities in conducting judicial inspections and organizing mobile courts to help reduce the very high number of pretrial detainees. Consequently, 570 cases of irregular detention were regularized and 89 verdicts rendered during the reporting period.

73. With regard to military justice, the five MONUSCO prosecution support cells are fully operational. They have received and are processing 20 official requests for investigatory advice and assistance from the Office of the Congolese Chief Military Prosecutor. These requests relate to serious crimes, including those allegedly perpetrated by armed forces personnel.

74. Prison security remains a major challenge, especially in the eastern Democratic Republic of the Congo. Separate attacks on 8 and 18 July by M23 and Mayi-Mayi combatants, respectively, led to the escape of all prisoners from the Rutshuru and Walikale prisons. In Goma, MONUSCO contributed to temporarily reinforcing security at the central prison. On 26 September, 67 of the 110 inmates held in Aru prison escaped following the eruption of a violent protest over poor living conditions and overcrowding.

Illegal exploitation of natural resources

75. On 26 July, the Government decided to prioritize the establishment of State-controlled trading centres for artisanally mined minerals in the conflict-free areas of Maniema and Katanga Provinces, rather than the Kivus. That decision led to the postponement of the establishment of trading centres previously planned in the Ndjingila and Itebero areas of Walikale territory, North Kivu, until the security situation there improved. Early in August, MONUSCO began assisting the Ministry of Mines in validating mining sites in Maniema and Katanga as free of armed groups or security forces.

Joint assessment process

76. In September, joint assessment team missions were conducted by MONUSCO and Government representatives. The security and humanitarian situation and progress in the extension of State authority was assessed in 27 territories and localities throughout the Kivus and Orientale and Katanga Provinces.

77. The joint assessment teams took note of the changes in the security and humanitarian situation throughout the provinces assessed, as reflected in section II of the present report. They noted that the adjustments to the deployment of MONUSCO responded to the requirements for the Mission's overall mandate implementation. The exercise contributed to further constructive engagement between the United Nations and the Congolese authorities.

Mission deployment

78. During the reporting period, MONUSCO deployed its force assets in line with its protection of civilians mandate in the Kivus and Orientale Province, in particular to meet emerging threats from both Congolese and foreign armed groups. The situation was dominated by the need to respond to the mutiny by M23 in North Kivu.

79. MONUSCO redeployed troops from both the Western and Ituri brigades to North Kivu to reinforce the capacity of the Congolese armed forces, deter any attack on Goma and provide the North Kivu brigade with increased tactical flexibility. It also reconstituted its force reserve by redeploying troops to Goma. The Mission maintained presences in Rutshuru territory and strengthened its positions in adjacent areas in North Kivu to support efforts by the Congolese armed forces to prevent further M23 advances southward towards Goma, eastward towards the M23 stronghold of Masisi and northward towards Rwindi.

80. The Government of Ukraine completed the deployment of four attack helicopters to MONUSCO, two of which are in Goma. Two military utility helicopters were redeployed from Bunia to Goma. In Orientale Province, MONUSCO redeployed some troops and military observers into Bas-Uélé, establishing an initial presence in both Ango and Buta in order to improve situational awareness. In August, a third Uruguayan utility helicopter was deployed to MONUSCO. In addition, a MONUSCO vessel on Lake Tanganyika became fully operational in June.

IV. Observations

81. The mutiny by M23 that began in April continues to pose a serious threat to peace and security in the eastern Democratic Republic of the Congo and the Great Lakes region and may do so for some time. I am deeply concerned that M23 continues to consolidate de facto control in Rutshuru territory, North Kivu, and is attempting to expand its reach and form alliances with armed groups elsewhere. In other parts of the eastern Democratic Republic of the Congo, armed groups have taken advantage of security voids to remobilize, recruit and broaden their attacks in the Kivus and in Ituri. In particular, while FDLR remains relatively weakened by concerted military and judicial pressure and active efforts by MONUSCO to encourage defections, the crisis caused by M23 has created opportunities for FDLR to reoccupy some areas and seek new alliances that could lead to its revival as a

threat to civilians. The mutiny by M23 and its consequences have reversed hard-won gains in security, stabilization and reconciliation in the eastern Democratic Republic of the Congo. The situation remains extremely fragile, with the continued risk of a renewed outbreak of fighting.

82. I am deeply disturbed by the humanitarian consequences of the mutiny by M23 and by the scale and magnitude of the suffering of the population in North Kivu and other parts of the eastern Democratic Republic of the Congo. Reprisal attacks on civilians are intensifying, fuelling cycles of hatred and violence among communities. Humanitarian organizations have also increasingly been the target of attacks and restrictions on their freedom of movement. I vigorously condemn the violence and serious human rights abuses committed by M23 and other armed groups against civilians, including summary executions and other abuses of local chiefs, administrators and others who have endeavoured to resist their control. In this context, the widespread acts of sexual violence in the eastern Democratic Republic of the Congo, in particular by armed groups, remain a serious cause for concern. Children have also been targeted by these armed groups, in particular M23, for forced recruitment, killings and other human rights violations.

83. I am equally disturbed by continuing reports of external support being provided to M23. I welcome the strong condemnation by a number of Member States of any provision of support to M23 and other negative forces in the Democratic Republic of the Congo and call upon all those responsible to immediately and permanently end such destabilizing assistance. The sovereignty and territorial integrity of the Democratic Republic of the Congo is inviolable and must be fully respected by all neighbouring countries.

84. While military means alone cannot resolve the continuing crisis, an adequate military response to M23 activity is important, including to protect civilians from further attacks. The high-level meeting on the situation in the eastern Democratic Republic of the Congo that I chaired in New York on 27 September afforded an important opportunity for further dialogue between international and regional partners with the aim of reinforcing regional efforts to find a peaceful resolution to the crisis. Constructive dialogue and engagement between the Democratic Republic of the Congo and its neighbours, especially Rwanda, is vital in this regard. With my Special Representative, I will continue to use my good offices to support regional efforts and will explore, when appropriate, further high-level diplomatic mechanisms towards these ends, as requested by the Security Council in its presidential statement of 19 October (S/PRST/2012/22).

85. I welcome the initiatives of the International Conference on the Great Lakes Region, whose members have been repeatedly seized at the highest levels and consistently engaged in efforts to resolve the crisis. The efforts of the Conference have helped to maintain dialogue among Great Lakes countries and stem further military offensives by M23. Under the leadership of the Conference, confidence-building mechanisms such as the expanded Joint Verification Mechanism are being reinforced. I urge the Democratic Republic of the Congo and Rwanda, joined by the new members of the enlarged Mechanism, to work effectively within the Mechanism to address their mutual security concerns. I also encourage the Conference to continue implementing its Pact on Security, Stability and Development in the Great Lakes Region, which addresses key regional issues such as the exploitation of natural resources, the return of refugees and economic integration.

86. The proposal of the Conference to deploy a neutral international force to eradicate negative forces and secure the border area should also be further refined, in coordination with key stakeholders. The United Nations is providing technical and logistical support to this effort, along with the African Union. I encourage international and regional partners to engage with the Conference in this and related initiatives and to support efforts to strengthen the capacity of the executive secretariat of the Conference. The United Nations, including through my Special Representative for the Democratic Republic of the Congo and my Special Representative and Head of the United Nations Regional Office for Central Africa, will remain closely engaged in this regard.

87. Accountability for the serious violations of human rights committed by M23 remains a key element of any lasting solution to the crisis. Every effort must be made to hold the M23 leaders accountable for the crimes that they have committed. In this connection, I welcome the intention of the Security Council to apply targeted sanctions against the leadership of M23 acting in violation of the sanctions regime and the arms embargo, as expressed in its presidential statement of 19 October. I further encourage Member States to submit, at the earliest opportunity, listing proposals to the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, as requested by the Council in its presidential statement. Separately, in accordance with the presidential statement, I intend to submit, in advance of my next regular report to the Council in February 2013, a special report on possible options, and their implications, for reinforcing the ability of MONUSCO to implement its mandate, including protection of civilians and reporting on flows of arms and related materiel across borders.

88. Additional key reforms are urgently needed to strengthen the presence of the State and build its capacity, including the army. The deteriorating situation in the eastern Democratic Republic of the Congo notwithstanding, I urge the Government to reinforce State authority there. It remains critical to expedite the deployment of police, justice and prison personnel to the structures completed within the framework of the International Security and Stabilization Support Strategy with the assistance of MONUSCO and the United Nations country team, and to mobilize the resources needed to sustain the functioning of those institutions. MONUSCO, in collaboration with the United Nations country team, the Congolese authorities and other partners, has initiated a strategic review of the International Security and Stabilization Support Strategy, as requested by the Security Council in its resolution 2053 (2012). The conclusions and recommendations of that review will be included in an annex to my next report to the Council, in February 2013.

89. The mutiny by M23 has highlighted the need to increase the capacity and strengthen the professionalism and cohesion of the Congolese security sector institutions, especially the armed forces, and heightened the interest of the Government in doing so. I welcome this dynamic and encourage partners to work closely with the Government on this issue. To this end, a comprehensive approach to military reform is essential to complement efforts in the police and justice sectors. A specific need within this comprehensive approach is to review the current demobilization/civilian reintegration model and programme, which has made limited progress in dealing with militias and other Congolese armed groups. The United Nations stands ready to continue assisting these efforts. Specific suggestions in this regard are made in annex II to the present report. I call upon the key partners of the

Democratic Republic of the Congo to provide increased and sustained support in this regard.

90. I also encourage the Government of the Democratic Republic of the Congo to work closely with MONUSCO and the United Nations country team to rapidly adopt the finalized Peace Consolidation Programme and begin its implementation following the establishment of United Nations integrated offices in Bas-Congo, Kasai Occidental and Kasai Oriental Provinces, including through the mobilization of additional resources.

91. The LRA presence in the Democratic Republic of the Congo has been greatly reduced, but not eradicated. It is therefore imperative to continue to robustly pursue the neutralization of this armed group. I encourage the Government of the Democratic Republic of the Congo to strengthen its support for the Regional Task Force initiative launched by the African Union and to engage actively with the participating countries on how to enhance implementation. At the same time, MONUSCO will continue to work closely with the Congolese armed forces to protect civilians from LRA in Orientale Province, including during the coming end-of-year holiday period.

92. It remains vital that the Congolese authorities ensure that the provincial and local elections are conducted in a timely, credible and transparent manner. This will be important to restore the confidence of the Congolese people in the country's democratic process and institutions and strengthen governance at the provincial and local levels. There has been limited progress in revising the legal framework for the electoral process, which is an important first step towards creating the conditions necessary for the completion of the current electoral cycle. I encourage continuing dialogue among political parties to rapidly revise essential electoral legislation and thereby reinforcing the credibility of the Independent National Electoral Commission. Once the revised legal framework is in place, I would also encourage the Congolese authorities to revive the Election Partnership Committee (see annex I to the present report).

93. I should like to thank my Special Representative, Roger Meece, for his leadership, and all personnel of MONUSCO and the United Nations country team for their dedication in supporting the stabilization of the Democratic Republic of the Congo. I should also like to express my appreciation to the countries contributing troops and police to MONUSCO, in particular to those Member States that have recently deployed or pledged additional air assets, and to multilateral and regional organizations, donor countries and non-governmental organizations that continue to provide invaluable support to the Democratic Republic of the Congo.

Annex I

Elections

I. Introduction

1. In paragraphs 15 to 17 of its resolution 2053 (2012), and as recommended in my previous report (S/2012/355), the Security Council outlined the context in which credible provincial and local elections in the Democratic Republic of the Congo should be held.

2. The present annex is submitted pursuant to paragraph 28 of resolution 2053 (2012), in which the Council requested that I should report on the electoral process, as indicated in paragraph 16 of the resolution. The Council also decided that the support of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) would be continually assessed and reviewed according to progress made by the Congolese authorities in consolidating the credibility of the Independent National Electoral Commission, agreeing on viable operational plans, adopting a realistic electoral calendar and continuing to ensure the full access of observers and political party representatives to electoral sites and operations. The Council also recalled the good offices role of the Special Representative of the Secretary-General in promoting and facilitating inclusive political dialogue.

II. Electoral developments

Legislative developments and activities of the Independent National Electoral Commission

3. In my previous report (S/2012/355), following the reported irregularities and allegations of fraud by national and international observer groups in relation to the conduct of the presidential and legislative elections of 28 November 2011, I had called upon the Congolese authorities to ensure the conduct of the provincial and local elections in a credible and transparent manner. As I noted in my report, the Independent National Electoral Commission made several recommendations at a workshop in April aimed at enhancing the transparency and credibility of those elections.

4. On 3 May, following its ruling of 25 April on the final results for 482 seats in the 500-seat National Assembly, the Supreme Court of Justice requested the Independent National Electoral Commission to publish the provisional results for the six remaining constituencies in five provinces, totalling 10 unencumbered seats. The Court announced the final results for those seats on 8 September.

5. On 6 June, the Independent National Electoral Commission issued a calendar in which it indicated that the provincial elections would be held in the first half of 2013, beginning with direct elections for provincial assemblies on 25 February 2013. According to this calendar, the local elections were to be held between November 2013 and March 2014.

6. On 4 July, during its extraordinary session and following its review of the Commission's annual report, the National Assembly issued recommendations on the

electoral process directed to the Commission, the parliament, the Government and the Government Audit Office. The Commission was requested, among other things, to suspend the electoral calendar until the new electoral legal framework had been put in place. It was also requested to prepare for by-elections for the remaining eight unencumbered seats in the National Assembly, located in two constituencies where elections had been annulled by the Supreme Court of Justice: one in Befale territory, Equateur Province, and seven in Masisi territory, North Kivu.

7. On 4 August, the Commission assessed that it would not be possible to hold by-elections in Masisi owing to the insecurity there. Subsequently, on 18 September, the Court directed the Commission to overturn its decision to cancel the results in Masisi and, on 2 October, the Commission published the provisional results for that constituency. The Court is currently considering appeals in that regard and is expected to announce the final results by mid-December.

8. On 15 September, at the opening of the ordinary session of the parliament, the Speaker of the National Assembly announced that the Assembly would prioritize the adoption of legislation to amend the Organic Law on the Organization and Functioning of the Independent National Electoral Commission and to establish the National Commission on Human Rights by the end of the session. The latter legislation was adopted by the National Assembly on 10 October and is currently before the Senate. It envisages broad participation by civil society in the work of the Human Rights Commission and aims at reinforcing national capacity to promote and protect human rights. The proposed amendments in relation to the Independent National Electoral Commission represent the most important step towards restructuring and reforming the Commission and in determining the way forward in terms of the timing, preparations and general organization of credible and democratic provincial and local elections. The specific formulation and implementation of this bill will be a critical factor in the consideration by MONUSCO and international partners of how best to support the electoral process.

9. On 21 September, the Council of Ministers adopted an amended version of the bill, which was submitted to the parliament on 24 September. The National Assembly began reviewing it early in the current session. Differences swiftly emerged between the majority and the opposition on how to restructure the Commission, including a proposed oversight structure. On 7 October, the National Assembly leadership established a special commission that comprised, among others, the leaders of the presidential majority and opposition parliamentary groups, to bridge differences between them concerning the legislation. Points of contention have included the exact composition of the Commission's Executive Board and the establishment of a plenary body. Progress has been reported in the talks on these key issues.

10. In the meantime, the Commission conducted indirect gubernatorial elections for Bas-Congo and Orientale Provinces on 28 October. In Bas-Congo Province, there were 16 candidates for the governorship. One was the acting governor, Déo Nkusu Kunzi Bikawa, who ran as the officially endorsed candidate of the presidential majority under the banner of the party Rassemblement pour la reconstruction du Congo, while the other 15 candidates registered as independents, including some aligned with the majority and some with the opposition. A run-off was held on 31 October between the acting governor and an independent candidate affiliated with a majority party (Accord pour l'alliance avec les alliés) who was also a former parliamentarian and governor, Jacques Mbadu Nsitu. The latter won with

approximately 61 per cent of the vote, according to the provisional results announced by the Commission.

11. In Orientale Province, five candidates ran for the governorship. Four registered as independents, while the other was a former parliamentarian and minister who ran as the Parti du peuple pour la reconstruction et la démocratie candidate and was endorsed officially by the presidential majority, Jean-Pierre Mokombe Daruwezi. He entered a run-off on 31 October against the independent candidate, Jean Saidi Bamanisa, affiliated with the Mouvement social pour le renouveau, also in the majority coalition. The latter won by a small margin, with about 51 per cent of the vote, according to provisional results published by the Commission. If no appeal against the results of either gubernatorial race is filed, the definitive results could be published by mid-November.

12. The Independent National Electoral Commission has begun preparations for the by-elections for Befale, the date of which has yet to be announced. It is also preparing for gubernatorial elections in Kasai Occidental Province on 7 December and in South Kivu on a date to be announced.

13. The Commission's activities continued to be hampered by financial shortfalls. The 2012 Budget Act, promulgated on 20 July, provides $249 million in funding for the electoral process, but disbursements have to date covered only the Commission's operational costs. No donor contributions to the electoral process were made during the reporting period.

Activities of the Mission to support the electoral process

14. The International Electoral Assistance Team, which includes MONUSCO and the electoral cycle support project run by the United Nations Development Programme (UNDP), continued to support the implementation of recommendations made following assessments of the electoral process conducted between March and April 2012 by the Independent National Electoral Commission (of its activities) and by UNDP and the United Nations Secretariat (led by the Department of Peacekeeping Operations). These included an inventory of equipment provided by donors for the Commission and the establishment of storage and tracking procedures for elections-related materiel, a review of the logistics plan for the provincial and local elections, an audit of the electoral roll and the mapping of polling stations.

15. MONUSCO also monitored progress concerning investigations that were launched into elections-related human rights violations in Kinshasa in the context of the presidential and legislative election period of November 2011. Although judicial investigations progressed and an interim report was submitted on 29 August to the National Prosecutor, judicial authorities faced practical challenges in verifying some allegations and requested MONUSCO assistance in that regard. In response, the Mission has regularly provided the investigators with relevant information and advice, including on the possible exhumation of the mass graves cited in the report issued by the United Nations Joint Human Rights Office on 20 March.[a]

16. In addition, with a view to promoting inclusive dialogue and rebuilding confidence among political actors and other stakeholders, MONUSCO began exploring options to support the Independent National Electoral Commission in revitalizing consultative frameworks, including among political parties, civil society and youth groups.

[a] Available from www.ohchr.org/Documents/Countries/ZR/ReportDRC_26Nov_25Dec2011_en.pdf.

III. Way forward

17. While some progress has been made, there remains work to be done to achieve a more credible and transparent electoral process in the Democratic Republic of the Congo. The challenges facing the Congolese authorities in organizing and conducting provincial and local elections have been complicated by the deterioration in the security situation in the eastern part of the country. The Government has necessarily focused on tackling those security threats, including by diverting funds from other priority areas. The highly fragmented composition of the National Assembly, including within both opposition and majority coalitions, and continuing general inter-party suspicion, in addition to the position of the extra-parliamentary opposition, including the leadership of the Union pour la démocratie et le progrès social, all render its work more difficult.

18. The extensive efforts under way in the National Assembly to reach agreement between majority and opposition parliamentarians on the amendments to the Organic Law on the Organization and Functioning of the Independent National Electoral Commission are a positive sign of inclusive dialogue and good-faith efforts, which are critical to the future of the electoral process. The early adoption of the amended legislation is an essential step towards restructuring the Commission and enhancing the credibility of the electoral process.

19. The Election Partnership Committee, which is convened by the Commission, is co-chaired by the President of the Commission and my Deputy Special Representative for the Democratic Republic of the Congo and United Nations Resident Coordinator, Humanitarian Coordinator and Resident Representative of UNDP and attended by representatives of the Government and international electoral partners. It has not met, however, since mid-May. The promulgation of the amended legislation on the Independent National Electoral Commission and the appointment of a restructured executive bureau for the Commission will open the way for reviving the Committee. It remains the key body for coordination by the United Nations and other international partners with a reconfigured Commission, including in terms of providing support for planning and financing the provincial and local elections.

20. MONUSCO is engaged in a continuing dialogue with the Congolese authorities about advancing investigations into human rights violations committed during the election period in 2011, so that the perpetrators are held responsible. This will be an important step in combating impunity and helping to ensure that violations are prevented during the upcoming elections. MONUSCO will continue to support these investigations.

21. MONUSCO and UNDP, in consultation with other international partners, will monitor progress towards the adoption of the amendments to the Organic Law on the Organization and Functioning of the Independent National Electoral Commission and the establishment of a restructured Commission with a view to assessing their provision of support and financing required for the holding of timely, democratic and transparent provincial and local elections, which are essential for the consolidation of peace and security in the Democratic Republic of the Congo. I will report back to the Council in February 2013 on these matters.

Annex II

Security sector reform

I. Introduction

1. In its resolution 2053 (2012), while specifying that the protection of civilians remained the overall priority task for the United Nations Organization Stabilization Mission for the Democratic Republic of the Congo (MONUSCO), the Security Council indicated that security sector reform should be the primary focus within the Mission's stabilization and peace consolidation mandate. It requested the Government of the Democratic Republic of the Congo to ensure progress on a number of related issues and, among other things, to engage in a new strategic partnership with MONUSCO in the area of security sector reform to identify the priorities of each component of the security sector and possible new approaches for MONUSCO to support the Congolese authorities in building the capacity of the military, police, justice and other security institutions to consolidate State authority. The present annex is submitted pursuant to paragraph 28 of the resolution.

II. Current context

2. The further deterioration of the security situation in the eastern Democratic Republic of the Congo, following the mutiny in April by elements of the Congolese armed forces who formed the Mouvement du 23 mars (M23), underscored the importance of renewed attention to security sector reform, especially a comprehensive approach to military reform. The appointment of a new Government at the end of April also afforded a renewed opportunity to engage with the Congolese authorities on security sector reform.

3. Following extensive consultations between my Special Representative for the Democratic Republic of the Congo and senior Government representatives, the Under-Secretary-General for Peacekeeping Operations met the President of the Democratic Republic of the Congo, Joseph Kabila, in Kinshasa on 11 September. The President confirmed that reform of the Congolese national police and the armed forces were top priorities for his Government and stated his intention to devote greater national resources to military reform. The Prime Minister, Matata Ponyo, has also confirmed that the Government intends to bolster the capacity of the armed forces and develop a professional army capable of protecting the Congolese population and territory.

4. The renewed commitment of the Government to security sector reform was further underlined by the identification of governance and security as the first priority of its Growth and Poverty Reduction Strategy (2011-2015). The Government's five-year programme of action (2012-2016) also indicates that violence by armed groups and human rights violations and indiscipline among elements of the armed forces and the national police are challenges that must be addressed as a priority, including potentially through a vetting process.

III. Recent progress

5. Since 2010, some progress has been achieved in the development of a legal framework for military, police and judicial reform. This includes the promulgation, in August, of legislation on the organization and functioning of the armed forces and the national police. Three laws relating to justice reform and one on the status of police personnel have also been adopted by the parliament and are pending promulgation by the President.

6. Concerning the armed forces, efforts have continued to implement a system for the payment of salaries to personnel. In February, the European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo completed a nationwide census of the armed forces. The next phase will be to initiate salary payments directly to individual soldiers through an electronic bank transfer system. The establishment of an institute for the professionalization of the military's administrative branch, inaugurated in Kananga in September, is also a positive step towards improving transparency within the armed forces.

7. There has been significant progress in the reform of the national police. A technical secretariat to support and follow-up on security sector reform has been established in the Ministry of the Interior. This is a first step towards the creation of a general secretariat for security and public order that will, among other things, coordinate the overall reform processes for the national police, the National Intelligence Agency and the Directorate-General for Migration. From 18 to 28 June, MONUSCO participated in a workshop conducted by the Ministry of the Interior on internal security policy planning to support the establishment of the general secretariat and the development of a bill on internal security. On 28 and 29 August, a seminar was organized on the creation of a national police department tasked with preventing sexual violence and strengthening the protection of minors.

8. Since 2007, the Police Reform Steering Committee, chaired by the Minister of the Interior, has served as an effective framework for the Government and police to discuss priorities and coordinate assistance provided by the United Nations and other international partners. On 20 June, during the seventh plenary meeting of the Committee, the Minister of the Interior outlined three priority areas for the national police reform process: finalizing the legal framework, budget and resource mobilization, and expediting project implementation. Before the end of 2012, the executive secretariat of the Committee intends to present to the Committee draft decrees on the creation of a police supreme council, the organization and functioning of the General Commissariat and a five-year budgeted action plan on police reform. In addition, on 20 June, texts, programmes and projects were presented to the implementation support bodies of the General Commissariat.

9. In July, following the completion of a national police census in 2011, officers' salaries were standardized according to revised ranks. In October, officers began to receive their salaries directly through an electronic bank transfer system.

10. In the justice sector, the Government, and in particular the newly appointed Minister of Justice and Human Rights, have conveyed their priorities to partners. These include improving access to justice; fighting impunity and reinforcing the criminal justice system; combating corruption and improving the environment for

investment; protecting and promoting human rights; developing the juvenile justice system; and harmonizing the judicial data collection and management systems.

11. In addition, the Minister has expressed a strong interest in more effective coordination with international partners. In September, she validated the strategic approach developed under the multi-year joint United Nations justice support programme and proposed the adoption of a results-based implementation plan, taking into consideration the Ministry's priorities. A total of 400 new magistrates have been appointed by the Supreme Council of the Magistracy. Furthermore, training programmes in court administration and case management for magistrates, court registrars and other officials have been developed with the assistance of the United Nations and other partners. These and other efforts continue in order to facilitate the deployment of judicial personnel nationwide.

IV. Way forward

National vision and strategy

12. Exchanges between MONUSCO and senior Government officials suggest that a strategic exercise to develop an overall vision for the security and justice sectors is a medium-term objective that needs to be undertaken gradually, in parallel with urgent or short-term priority activities within the various components of these sectors. MONUSCO will continue to engage the Congolese authorities and other partners in determining the most effective mechanisms or modalities for coordinating assistance and expertise in support of the development of this vision and strategy.

Coordination and partnership

13. MONUSCO supports the Government in encouraging a coordinated approach among partners in order to minimize competing, fragmented efforts on security sector reform and to focus resources on key priorities. All partners should adhere to the principle of aligning funding and other assistance with those key priorities, as feasible and appropriate.

14. The Government's stated preference is for nationally led coordination mechanisms with partners, such as the Police Reform Steering Committee for the police sector. Likewise, the Minister of Justice is auditing the Mixed Justice Committee with a view to increasing the capacity of that justice sector coordination mechanism. In this connection, MONUSCO is considering providing a United Nations adviser who would be co-located in the Ministry of Justice and would support, among other things, the strengthening of coordination and engagement with the United Nations, donors and other partners.

Component-specific approach

15. Progress in the reform of the security and justice sector components has been uneven, presenting a number of constraints and meaning that different levels of political commitment, resource allocation and technical expertise are needed to ensure continued progress in the various sectors. In this context, following consultations with the Government on ways in which MONUSCO could further support its efforts to move the security sector reform agenda forward, the Mission is

continuing to develop a tailored approach to supporting each component of the security sector.

Defence sector reform

16. The Vice-Prime Minister/Minister of Defence is examining how a draft military planning and budgetary law could serve as a framework for defining the main programmatic aspects of reform of the armed forces. He is also studying how such a draft law could be used as a tool for financial planning and resource allocation while also providing a timeline for monitoring progress on army reform. MONUSCO is also pursuing dialogue with senior Government officials regarding options for establishing a framework for planning, coordination and implementation of armed forces reform.

17. Practical actions that may be considered in the short term could include: the development of a single, harmonized training doctrine and standards for the armed forces, with coordinated support from MONUSCO and other international partners, including training and education for officers and other key cadres; a multi-partner coordinated effort to support a programme of continued training and equipping of armed forces units, whether combat battalions or rapid reaction forces, including the provision of support to strengthen command and control structures; and continued provision of support to strengthen the administrative and logistical capacities of the armed forces. Additional funding and other resources will need to be mobilized for these or other actions that may be identified, including new resources to tackle the urgent need to provide barracks and housing for the military and their dependants.

Disarmament, demobilization and reintegration

18. A comprehensive review is needed of the disarmament, demobilization and reintegration programmes that have been implemented since 2004 in order to identify more effective programme models and related resource needs, including for the sustainable reintegration of ex-combatants into civilian life. Following consultations with the Congolese authorities, MONUSCO is enhancing joint strategic and programmatic planning with the United Nations and other partners to develop a more holistic approach to disarmament, demobilization and reintegration within the framework of the stabilization and reconstruction plan for areas emerging from armed conflict/International Security and Stabilization Support Strategy. This approach targets those at risk of being recruited into armed groups and their communities in a strategy for community violence reduction. The threefold objectives of this strategy are to prevent recruitment by armed groups at the community level, reduce violence in surrounding communities and contribute to stabilization efforts. This strategy, combined with a revised reintegration model, also provides an essential foundation for an effective vetting programme for those being considered for military integration.

Police sector reform

19. Considerable progress has been achieved in the area of reform of the national police. MONUSCO will continue to focus its assistance on advocacy and providing support for the completion of the legal framework for the national police. It will also provide support in the following areas: mapping police institutions; implementing the police reform plan at the level of the General Commissariat and

General Inspectorate; establishing a general secretariat for security and public order in the Ministry of the Interior; and continuing to provide assistance to build the capacity of the police. Capacity-building activities include the rehabilitation or construction of training centres, police stations and housing and the provision of long-term basic training, specialized training and technical advice.

Justice and corrections sector reform

20. MONUSCO and the United Nations country team are finalizing, with the Ministry of Justice and Human Rights, modalities for the implementation of the multi-year joint United Nations justice support programme, which aims to eliminate duplication, increase results and optimize the use of resources. It is designed to respond to some of the Government's key priorities in the justice and corrections sectors. It includes a cross-cutting anti-corruption programme; the provision of support to develop a legal framework and institutions for the domestication of the Rome Statute of the International Criminal Court; and harmonization of a judicial data collection and management system as part of efforts to strengthen the functioning of the criminal justice system. It also includes an overhaul of the prison system through the implementation of the prison reform plan developed in 2006. This will address reforming the legal framework, management, organization and security of penitentiary facilities and the professionalization of all prison staff. MONUSCO will also continue to support the reform and strengthening of the military justice sector, including through the prosecution support cells.

Conclusion

21. The proposals outlined above could help to advance the security sector reform agenda provided that, in addition to the specific challenges identified within each component, the current political momentum in favour of security sector reform is maintained and that key national stakeholders and/or bilateral and multilateral partners avoid the pursuit of divergent reform agendas.